

**ZB# 01-41**

**Ira D. Conklin, III**

**57-1-128**

# 01-41- Conklin, Ira D. III

Interp. 57-1-128.

Prelim.

Aug. 13, 2001.

No Show

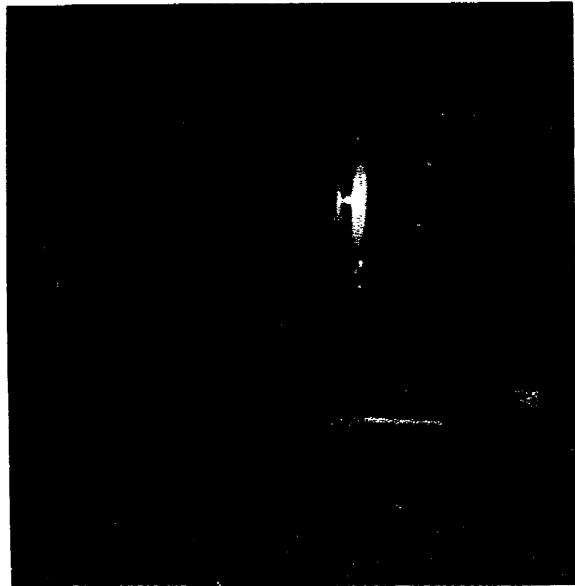
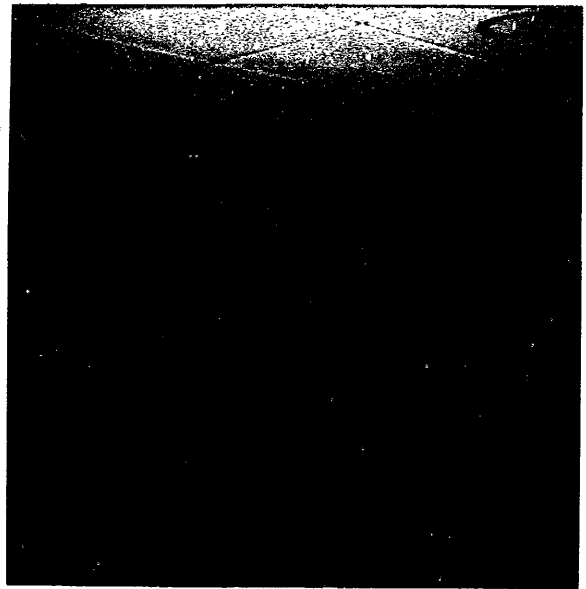
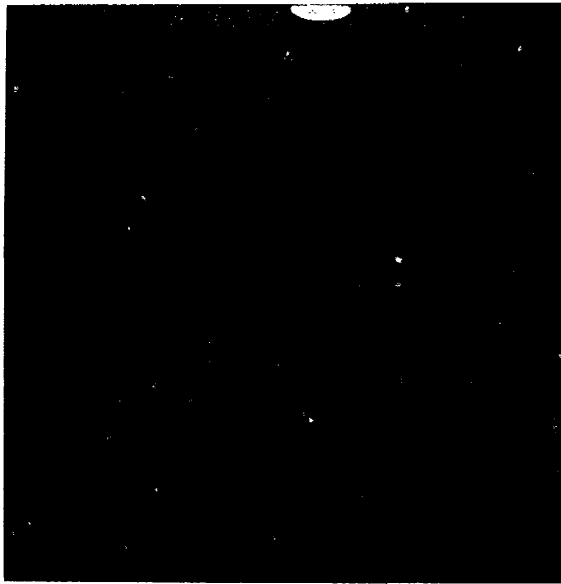
Sept. 10, 2001.

Public Hearing.

November 26, 2001.

Single - fam.  
Interpretations

Refund \$203.00



APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Conklin  
\_\_\_\_\_  
\_\_\_\_\_

FILE# 01-41

RESIDENTIAL: \$50.00  
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA      Interp. USE     

APPLICATION FOR VARIANCE FEE ..... \$ 50.00 *paid*  
\* \* \* *ck. # 1816*  
*9/14/01*

ESCROW DEPOSIT FOR CONSULTANT FEES ..... \$ 300.00 *paid*  
*ck. # 1817.*

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 9/10/01-2 .. \$ 9.00.  
2ND PRELIMINARY- PER PAGE 9/26/01-4 ..... \$ 18.00  
3RD PRELIMINARY- PER PAGE ..... \$ \_\_\_\_\_  
PUBLIC HEARING - PER PAGE ..... \$ \_\_\_\_\_  
PUBLIC HEARING (CONT'D) PER PAGE ..... \$ \_\_\_\_\_  
TOTAL ..... \$ 27.00

ATTORNEY'S FEES: \$35.00 PER MEEETING

PRELIM. MEETING: ... 9/10/01 ..... \$ 35.00  
2ND PRELIM. .... \$ \_\_\_\_\_  
3RD PRELIM. .... \$ \_\_\_\_\_  
PUBLIC HEARING. 11/26/01 ..... \$ 35.00  
PUBLIC HEARING (CONT'D) ..... \$ \_\_\_\_\_  
TOTAL ..... \$ 70.00

MISC. CHARGES:

..... \$ \_\_\_\_\_  
TOTAL ..... \$ 97.00

LESS ESCROW DEPOSIT ..... \$ 300.00  
(ADDL. CHARGES DUE) ..... \$ \_\_\_\_\_  
REFUND DUE TO APPLICANT .. \$ 203.00

Date \_\_\_\_\_

**TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553**

**TO**

DR.

**DATE**

**CLAIMED**

**ALLOWED**

ZBA # 01-41

Variance Application fee

**Town of New Windsor  
555 Union Avenue  
New Windsor, NY 12553  
(845) 563-4611**

**RECEIPT  
#893-2001**

09/14/2001

**Conklin, Ira**

**Received \$ 50.00 for Zoning Board Fees on 09/14/2001. Thank you for stopping by  
the Town Clerk's office.**

**As always, it is our pleasure to serve you.**

**Deborah Green  
Town Clerk**





W.D. CONKLIN, III  
443 JACKSON AVENUE  
NEW WINDSOR, NY 12553

50-235219

1817

DATE 9/13/2001

PAY TO THE  
ORDER OF

Town of Windsor

\$ 300.00

Three Hundred and

DOLLARS

THE BANK OF NEW YORK  
RT. 17K OFFICE  
201 AUTO PARK PLACE  
NEWBURGH, NY 12550

ZBA #

FOR Escrow 57-1-158

*[Signature]*

⑆022002352⑆ ⑆6800787058⑆ 1817

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STYLE # P10

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www.checkgallery.com

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-----X  
In the Matter of the Application of

**IRA CONKLIN III**

MEMORANDUM OF  
DECISION GRANTING  
INTERPRETATION

#01-41.  
-----X

**WHEREAS, IRA CONKLIN III**, residing at 443 Jackson Avenue, New Windsor, N. Y. 12553, has made application before the Zoning Board of Appeals for an interpretation as to a second kitchen creating a second dwelling that is not permitted in an R-1 zone; and

**WHEREAS**, a public hearing was held on the 26th day of November, 2001 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

**WHEREAS**, Applicant appeared on behalf of this Application; and

**WHEREAS**, there was one spectator appearing at the public hearing; and

**WHEREAS**, the spectator spoke in opposition to this Application; and

**WHEREAS**, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

**WHEREAS**, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.
2. The evidence presented by the Applicant showed that:
  - (a) The property is a single-family residence located in a neighborhood containing single-family residences.
  - (b) The Applicant seeks to have a second kitchen in his single-family residence.
  - (c) The entire facility is serviced by a single electric and/or gas service with a single electric and/or gas meter.
  - (d) There will be no separate entrance enabling the area to be closed off and make it a two-family residence.

- (e) The Applicant has stipulated that it is and will remain a single-family residence.
- (f) No area of the residence is isolated by lock and key from the other areas of the house.
- (g) The "objectant" who spoke expressed concern that the resulting residence would be a two-family residence which is not permitted in the zone and to which the speaker objected.
- (h) The speaker did not object to the installation of a second kitchen in the residence so long as it remained a single-family residence.

**WHEREAS,** The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The Zoning Board of Appeals finds that the installation of a second kitchen in this residence will not cause it to become, or enable it to made in the future a two-family residence.
2. The Interpretation is granted whereby the Zoning Board of Appeals finds that the premises is a single-family residence, which is properly permitted in the zone.

**NOW, THEREFORE, BE IT**

**RESOLVED,** that the Zoning Board of Appeals of the Town of New Windsor make an interpretation determining that the property known as 443 Jackson Avenue in the Town of New Windsor is a single-family residence with a second kitchen in an R-1 zone.

**BE IT FURTHER**

**RESOLVED,** that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: February 25, 2002.

  
Chairman

4/26/01 Public Hearing - Conklin, Ira, III #01-44

Name:

Address:

SHAWN KELLY

399 JACKSON AVE NEWARK

Date 12/3/01

# TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO Frances Roth DR.  
168 N. Drury Lane  
Newburgh, N.Y. 12550

DATE			CLAIMED	ALLOWED
11/26/01	Zoning Board Mtg		75 00	
	Misc. 2	Manera - 2		
	Leonetti - 1	<del>53</del> nys	238 50	
	Applied Building - 1			
	Kucifore - 2		313 50	
	Mlythe - 1			
	U & B Associates - 2			
	Conklin - 4			
	Baker - 3			
	Harris - 5			
	Misheel Realty - 13			
	Lucas - 6			
	Shreehan - 3			

PUBLIC HEARINGS:

CONKLIN, IRA

MR. TORLEY: Request for interpretation as to second kitchen in single family residence at 433 Jackson Avenue in an R-3 zone.

Mr. Ira Conklin appeared before the board for this proposal.

MS. CORSETTI: For the record, on October 23, we sent out 15 notices to adjacent property owners.

MR. TORLEY: Tell us the nature of the request for interpretation.

MR. CONKLIN: I put in a second kitchen on the downstairs floor to be used in the summer for the pool area and it was inspected by the building department during construction but we realized after the fact that I did not get a variance for that second kitchen.

MR. TORLEY: Well, you would not necessarily need a variance for a second kitchen. The question arose whether or not you're making it a two family dwelling, which is not permitted so--

MR. KANE: Your intent to just use this as a second kitchen?

MR. CONKLIN: Yes, just for the summer.

MR. KANE: Putting in any second electric or gas meters with this or this all going to be on the same meter for the house?

MR. CONKLIN: No, everything's on the same meeter.

MR. MC DONALD: Separate entrance where you can close it off and it would be a second apartment?

MR. CONKLIN: No.

MR. TORLEY: You're willing to state for the record

that this is and will remain a single family home?

MR. CONKLIN: Always will be.

MR. TORLEY: We have no separate entrances, single electric, it's not isolated by lock and key away from the other areas of the house?

MR. CONKLIN: No.

MR. TORLEY: And the applicant's declaration now. I'll entertain a motion on the interpretation.

MR. MC DONALD: Make a motion.

MR. TORLEY: My mistake. Is there anyone in the public who wishes to comment on this matter?

MS. CORSETTI: Would you want to sign this sheet, please, sir?

MR. TORLEY: Is there anyone else who wishes to speak on this matter?

MR. KELLY: Shawn Kelly, S-H-A-W-N. As far as the second kitchen, if you allow Mr. Conklin a variance to have two kitchens and what he claims is not going to be ever a second apartment, would that open it up for other homes on the street to apply for a second kitchen? Would it set a precedent that since he was allowed a second kitchen, that other people on the street could have it as well?

MR. TORLEY: There's nothing in the code that says you cannot have 27 kitchens in your house, if you want. The only requirement is it must be a single family dwelling. The applicant has stated for the record and by the other evidence that this is and will remain a single family house. If other people wish to put in a second kitchen as long as they meet the requirements, it's not a two-family house, it's not being set up as an illegal apartment, that's fine.

MR. KANE: Anything that we do here does not set a precedence. Each individual case is taken on its own

merits.

MR. KELLY: Everyone has to apply separately?

MR. KANE: That's correct.

MR. KELLY: Well, I know where his house is, most likely it's not going to be a second apartment, but if someone across the street decided to apply for it and said no, I'm not going to do it as an apartment, but then rented it out as an apartment, how can we police that and stop that from continuing on setting precedence?

MR. TORLEY: Behind you is the building inspector and if you notice--

MS. CORSETTI: That's the police.

MR. TORLEY: If you believe that there's some activity such as this that's going on in your neighborhood, feel free please to call the building inspector and he will check it out.

MR. KELLY: We have to call the building inspector, he'd go over there and find out that if it was an apartment, and that would be stopped, I just want to make sure that doesn't set a precedence.

MR. BABCOCK: It's one of the reasons for being here, when there's a second kitchen involved and second facilities involved, so that the people go on record saying that it is going to be a one family house with two kitchens and so on and so forth. So that if there's a complaint that he may be renting this out, I have the records to go to to Mr. Conklin and say you said you were not going to rent this out.

MR. KELLY: Stay single family.

MR. BABCOCK: Right.

MR. KELLY: Doesn't set precedence so this is individual case by case?

MR. TORLEY: Exactly.

MR. BABCOCK: We send them all to the zoning board so there's something on record in case he sells his house, somebody else decides to rent it out, this goes along with the house.

MR. KANE: Again, why we clarify one gas meter, one electric meter, no private entrance, no lockable entranceway we're just trying to cover every base so but to allow the people to use their homes in the means that they want to.

MR. KELLY: But I just want to open the door to let it start in the whole area. Fair enough.

MR. TORLEY: Anyone else wishing to speak on this matter? If not, I'll close the public hearing and open it back up to the members of the board.

MR. MC DONALD: Accept a motion?

MR. TORLEY: Yes.

MR. MC DONALD: Make a motion that we grant request for the interpretation.

MR. TORLEY: The interpretation that the structure as described to us is and will remain a single family dwelling.

MR. CONKLIN: It will.

MR. RIVERA: Second it.

ROLL CALL

MR. KANE	AYE
MR. REIS	AYE
MR. RIVERA	AYE
MR. MCDONALD	AYE
MR. TORLEY	AYE



**OFFICE OF THE BUILDING INSPECTOR  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK**

**COPY**

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO  
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: 7/5/01

APPLICANT: Ira D. Conklin III  
443 Jackson Avenue  
New Windsor, NY 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 7/3/01

FOR : Ira D. Conklin III

LOCATED AT: 443 Jackson Avenue

ZONE: R-1      Sec/ Blk/ Lot: 57-1-128

DESCRIPTION OF EXISTING SITE: Single Family

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. 48-12 Use Bulk Tables, R-1 Zone, 2 Family Dwelling is not permitted. Second kitchen may create a second dwelling. Need interpretation.

  
BUILDING INSPECTOR

PERMITTED

PROPOSED OR  
AVAILABLE:

VARIANCE  
REQUEST:

ZONE: R-1      USE: Single Family

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A.. APPLICANT, FILE, W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS  
**IMPORTANT**  
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

RECEIVED

JUL 03 2001

BUILDING DEPARTMENT

FOR OFFICE USE ONLY:  
Building Permit #: 2001-667

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS REQUIRED BEFORE PERMIT WILL BE ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises IRA D Conklin III

Address 443 Jackson Ave New Windsor Phone # 845 561 1512 xT 215

Mailing Address 8443 Jackson Ave  
8443 Jackson Ave New Windsor Fax # 561-1798

Name of Architect Drago & R. F. Kin

Address \_\_\_\_\_ Phone \_\_\_\_\_

Name of Contractor IRA D Conklin & Sons

Address 90 Stewart Ave Newburgh Phone 561/512 27215

State whether applicant is owner, lessee, agent, architect, engineer or builder Owner/Builder

If applicant is a corporation, signature of duly authorized officer. [Signature]  
(Name and title of corporate officer) Pres

1. On what street is property located? On the W side of JACKSON  
(N, S, E or W)  
and 3000 feet from the intersection of LAKE

2. Zone or use district in which premises are situated \_\_\_\_\_ Is property a flood zone? Y \_\_\_\_\_ N ☒

3. Tax Map Description: Section 57 Block 1 Lot 128

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy Home b. Intended use and occupancy Home

5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☒ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other

6. Is this a corner lot? No

7. Dimensions of entire new construction. Front \_\_\_\_\_ Rear \_\_\_\_\_ Depth \_\_\_\_\_ Height \_\_\_\_\_ No. of stories \_\_\_\_\_

8. If dwelling, number of dwelling units: \_\_\_\_\_ Number of dwelling units on each floor \_\_\_\_\_

Number of bedrooms \_\_\_\_\_ Baths \_\_\_\_\_ Toilets \_\_\_\_\_ Heating Plant: Gas \_\_\_\_\_ Oil \_\_\_\_\_  
Electric/Hot Air \_\_\_\_\_ Hot Water \_\_\_\_\_ If Garage, number of cars \_\_\_\_\_

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use \_\_\_\_\_

10. Estimated cost \_\_\_\_\_ Fee \_\_\_\_\_

**PAID**

pd SD - ch# 1746  
7/3/01



ZONING BOARD OF APPEALS:TOWN OF NEW WINDSOR  
COUNTY OF ORANGE:STATE OF NEW YORK

-----X

In the Matter of the Application for Variance of

Ira S. Conklin, III

AFFIDAVIT OF  
SERVICE  
BY MAIL

#01-41.

-----X

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE )

PATRICIA A. CORSETTI, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at  
7 Franklin Avenue, New Windsor, N. Y. 12553.

That on the 23 day of October, 2001, I compared the 15  
addressed envelopes containing the Public Hearing Notice pertinent to this case  
with the certified list provided by the Assessor regarding the above application  
for a variance and I find that the addresses are identical to the list received. I  
then caused the envelopes to be deposited in a U.S. Depository within the Town  
of New Windsor.

Patricia A. Corsetti

Notary Public

Sworn to before me this

\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

Date 9/12/01

# TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO Frances Roth DR.  
168 N. Drury Lane  
Newburgh, N.Y. 12550

DATE			CLAIMED	ALLOWED
9/10/01		Zoning Board Mtg	75.00	
		Misc -		
		Conklin - 2 @ 9.00		
		Sisters of the Presentation - 4		
		Harris - 4		
		Corbett - 3		
		Hughes - 3		
		Mans - 19		
		Poljan - 3		
		Singh - 6		
		45	202.50	
			277.50	

4.50 per page.

PRELIMINARY MEETINGS:

CONKLIN, IRA D. III

MR. TORLEY: Request for interpretation of usage of residence with additional kitchen at 443 Jackson Avenue in an R-1 zone.

Mr. Ira D. Conklin III appeared before the board for this proposal.

MR. CONKLIN: I have a second kitchen, I have a walk-out basement to a swimming pool and put in a downstairs kitchen for use just for the summer and holidays in the wintertime.

MR. KANE: Any separate gas or electric meters on this?

MR. CONKLIN: No.

MR. TORLEY: Basically, it's a summer kitchen in your basement?

MR. CONKLIN: Yes.

MR. TORLEY: For the pool access?

MR. CONKLIN: Yes.

MR. BABCOCK: We believe that that is a summer kitchen, we believe exactly what's going on based on looking at the house, except the position of the board has been that we bring them in front of the board when it could be considered a two-family house in a one-family zone so the board can make that determination.

MR. KANE: Mr. Conklin, no plans in the future at all in trying to rent that, make in into a two-family situation?

MR. CONKLIN: Not at all.

MR. KANE: I move we set up Ira D. Conklin for a public hearing on his requested interpretation at 443 Jackson Avenue.



MR. RIVERA: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. KANE	AYE
MR. TORLEY	AYE

MR. TORLEY: We have set you up for a public hearing which gives you the right, not obligation, to go forward. This board by state law everything we do has to be done at a public hearing. Most of you are here for preliminary hearings which let's us get an idea of what you want to do so nobody gets surprised. So does he have the papers? That's the steps you have to go through to get this done and with what we've heard so far, I don't see any problems.


MR. CONKLIN: Thank you.

Date 9/24/01

# TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO Frances Roth DR.  
168 N. Drury Lane  
Newburgh, N.Y. 12550

DATE			CLAIMED	ALLOWED
8/13/01	Zoning Board Mtg		75 00	
	M.D. - 3			
	Rodriguez - 2			
	Viera - 2			
	Centlin - 1 4:50			
	Steiner - 4			
	Betrix - 2			
	Panagiotopoulos - 3			
	Hofing - 3			
	First Columbia - 3			
	Deyo - 19		202 50	
	Bothwell - 			
	45		277 50	

August 13, 2001

6

CONKLIN, IRA D. III

No show.

Pls. publish immediately. Send bill to Applicant.

**PUBLIC NOTICE OF HEARING**

**ZONING BOARD OF APPEALS**

**TOWN OF NEW WINDSOR**

**PLEASE TAKE NOTICE** that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 41

Request of

Ira Cooklin

for a VARIANCE of the Zoning Local Law to Permit:

Interpretation as to second kitchen in single-family residence;

being a VARIANCE of Section 48-12-Table of Use/Bulk Regs. - Col. A.

for property situated as follows:

443 Jackson Avenue, New Windsor, N.Y.

known and designated as tax map Section 57, Blk. 1 Lot 128.

PUBLIC HEARING will take place on the 26<sup>th</sup> day of November, 2001 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

Lawrence Torley  
Chairman

By: Patricia A. Corsetti, Secy.



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4631  
Fax: (845) 563-4693

## Assessors Office

September 13, 2001

(15)

Ira Conklin  
443 Jackson Avenue  
New Windsor, NY 12553

Re: 57-1-128

Dear Mr. Conklin:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$35.00, minus your deposit of \$25.00.

Please remit the balance of \$10.00 to the Town Clerk's Office.

Sincerely,

Leslie Cook  
Sole Assessor

LC/lrd  
Attachments

CC: Pat Corsetti, ZBA

57-1-7 & 57-1-8.4  
Harold Baxter Jr.  
505 Jackson Avenue  
New Windsor, NY 12553

57-1-38.32  
Shawn & Rex Kelly  
399 Jackson Avenue  
New Windsor, NY 12553

57-1-8.21 & 57-1-23.21  
Elliott Jr. & Genevieve Cutler  
450 Jackson Avenue  
New Windsor, NY 12553

57-1-127  
Consolidated Rail Corporation  
Property Tax Department  
PO Box 8499  
Philadelphia, PA 19101

57-1-9.2  
Anthony Kroll  
155 Bethlehem Road  
New Windsor, NY 12553

57-1-129  
Deborah Callahan  
29 Harris Lane  
Cornwall, NY 12518

57-1-23.22  
Antonio & Gloria Bermo  
436 Jackson Avenue  
New Windsor, NY 12553

57-1-130  
Thomas & Patricia Hall  
429 Jackson Avenue  
New Windsor, NY 12553

57-1-23.23  
Thomas & Irene Eckhardt  
430 Jackson Avenue  
New Windsor, NY 12553

57-1-131, 132 & 133  
C. Trainor & Sons Construction Inc.  
368 S Plank Road  
Newburgh, NY 12550

57-1-23.24  
Marjorie Sawyer  
81 Bethlehem Road  
New Windsor, NY 12553

57-1-29  
Andrew & Linda Gulak  
59 Bethlehem Road  
New Windsor, NY 12553

57-1-37  
Richard & Anita Schaffner  
375 Jackson Avenue  
New Windsor, NY 12553

57-1-38.1  
Gregory Keller  
460 Jackson Avenue  
New Windsor, NY 12553

57-1-38.31  
William McWilliams  
Lynn Centrone  
465 Jackson Avenue  
New Windsor, NY 12553

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

# 01-41

Date: \_\_\_\_\_

I. ✓ Applicant Information:

- (a) Iza Conklin 443 Jackson Ave New Windsor NY 12553  
(Name, address and phone of Applicant) (Owner)
- (b) \_\_\_\_\_  
(Name, address and phone of purchaser or lessee)
- (c) \_\_\_\_\_  
(Name, address and phone of attorney)
- (d) \_\_\_\_\_  
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ( ) Use Variance ( ) Sign Variance
- ( ) Area Variance (X) Interpretation

III. ✓ Property Information:

- (a) 443 Jackson Ave 57-1-128 14.60 ACRE  
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? \_\_\_\_\_
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? 1998
- (e) Has property been subdivided previously? Yes
- (f) Has property been subject of variance previously? NO  
If so, when? \_\_\_\_\_
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: NO
- \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IV. ~~Use Variance.~~

- (a) ~~Use Variance requested from New Windsor Zoning Local Law,  
Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_,  
to allow:  
(Describe proposal)~~
- \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(b) ~~The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.~~

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(c) ~~Applicant must fill out and file a Short Environmental Assessment Form (SEOR) with this application.~~

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes \_\_\_ No \_\_\_.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section \_\_\_\_, Table of \_\_\_\_, Regs., Col. \_\_\_\_.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

\* Residential Districts only

\*\* No-residential districts only

(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)



whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

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(You may attach additional paperwork if more space is needed)

VI. Sign Variance:

(a) Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, \_\_\_\_\_ Regs.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign	_____	_____	_____
Sign 3	_____	_____	_____
Sign	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

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(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

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✓ VII. Interpretation.

(a) Interpretation requested of New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

(b) Describe in detail the proposal before the Board:

USE OF SECOND KITCHEN IN BASEMENT USED FOR  
POOL LOCATED IN REAR OF WALK OUT BASEMENT

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VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

- \_\_\_\_\_ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- \_\_\_\_\_ Copy of tax map showing adjacent properties.
- \_\_\_\_\_ Copy of contract of sale, lease or franchise agreement.
- \_\_\_\_\_ Copy of deed and title policy.
- \_\_\_\_\_ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- N/A \_\_\_\_\_ Copy(ies) of sign(s) with dimensions and location.
- \_\_\_\_\_ Two (2) checks, one in the amount of \$ 50.00 and the second check in the amount of \$ 300.00, each payable to the TOWN OF NEW WINDSOR.
- \_\_\_\_\_ Photographs of existing premises from several angles.

Date: \_\_\_\_\_

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

(Applicant)

13<sup>th</sup> day of September, 1927

(a) Public Hearing date: \_\_\_\_\_

## ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE

THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE



TYPE NAME(S) OF PARTY(S) TO DOCUMENT: BLACK INK

Alice M. Pena

TO

Ira D. Conklin III

SECTION 57 BLOCK 1 LOT 38.33

RECORD AND RETURN TO:

(Name and Address)

THIS IS PAGE ONE OF THE RECORDING  
ATTACH THIS SHEET TO THE FIRST PAGE OF EACH  
RECORDED INSTRUMENT ONLY

Drake, Sommers, Loeb, Tarstis & Cortanic, PC  
P.O. Box 1479  
Newburgh, N.Y. 12550  
ATT: James R. Loeb, Esq.

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED ☒ MORTGAGE ☐ SATISFACTION ☐ ASSIGNMENT ☐ OTHER ☐

## PROPERTY LOCATION

2089 BLOOMING GROVE (TN)  
2001 WASHINGTONVILLE (VLG)  
2289 CHESTER (TN)  
2201 CHESTER (VLG)  
2489 CORNWALL (TN)  
2401 CORNWALL (VLG)  
2800 CRAWFORD (TN)  
2800 DEERPARK (TN)  
3089 GOSHEN (TN)  
3001 GOSHEN (VLG)  
3003 FLORIDA (VLG)  
3005 CHESTER (VLG)  
3200 GREENVILLE (TN)  
3489 HAMPTONBURGH (TN)  
3401 MAYBROOK (VLG)  
3689 HIGHLANDS (TN)  
3801 HIGHLAND FALLS (VLG)  
3889 MINSINK (TN)  
3801 UNIONVILLE (VLG)  
4089 MONROE (TN)  
4001 MONROE (VLG)  
4003 HARRIMAN (VLG)  
4005 KIRYAS JOEL (VLG)

4289 MONTGOMERY (TN)  
4201 MAYBROOK (VLG)  
4203 MONTGOMERY (VLG)  
4205 WALDEN (VLG)  
4489 MOUNT HOPE (TN)  
4401 OTISVILLE (VLG)  
4600 NEWBURGH (TN)  
4800 NEW WINDSOR (TN)  
5089 TUXEDO (TN)  
5001 TUXEDO PARK (VLG)  
5200 WALLKILL (TN)  
5489 WARWICK (TN)  
5401 FLORIDA (VLG)  
5403 GREENWOOD LAKE (VLG)  
5405 WARWICK (VLG)  
5600 WAWAYANDA (TN)  
5889 WOODBURY (TN)  
6801 HARRIMAN (VLG)

## CITIES

0900 MIDDLETOWN  
1100 NEWBURGH  
1200 PORT JERVIS  
9999 HOLD

NO. PAGES 7 CROSS REF. ☐  
CERT. COPY ☐ ADD'L X-REF. ☐  
MAP # ☐ PGS. ☐

PAYMENT TYPE: CHECK ☒  
CASH ☐  
CHARGE ☐  
NO FEE ☐

CONSIDERATION \$ 28,500.00  
TAX EXEMPT ☐

MORTGAGE AMT \$ ☐  
DATE ☐

## MORTGAGE TAX TYPE:

(A) COMMERCIAL/FULL 1%  
(B) 1 OR 2 FAMILY  
(C) UNDER \$10,000  
(E) EXEMPT  
(F) 3 TO 8 UNITS  
(I) NAT. PERSONAL UNION  
(J) NAT. PER-CR. UNV1 OR 2  
(K) CONDO

*Donna L. Benson*  
DONNA L. BENSON  
Orange County Clerk

RECEIVED FROM:

Horizon

5163 180

LIBER 5163 PAGE 180

ORANGE COUNTY CLERK'S OFFICE 5/2/99 MRL  
RECORDED/FILED 10/12/1999 01:28:27 PM

FEES \$5.00 EDUCATION FUND 5.00  
SERIAL NUMBER 64174 RE TAX 1140.00  
DEED CNTL NO

## DEED

THIS INDENTURE, made the 3<sup>th</sup> day of September, 1999. BETWEEN ALICE M. PENA residing at 700 Woodlawn Avenue, Hermitage, PA 16148, party of the first part, and IRA D. CONKLIN, III, residing at 92 Stewart Avenue, Newburgh, NY 12550, party of the second part,

WITNESSETH, that the part of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs, or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, County of Orange, State of New York, more particularly described on Schedule "A" annexed hereto and made part hereof. Subject to covenants, easements, agreements, restrictions and consents of record.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted to the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

In the Presence of:

Alice M. Pena  
Alice M. Pena

STATE OF PENNSYLVANIA: COUNTY OF MERCER

" On the 13<sup>th</sup> day of September, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared ALICE M. PENA personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same the same in his/her/their capacity (ies) and that by his/her/their signatures on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Michael R. Perry, Jr.  
Notary Public

Notarial Seal  
Michael R. Perry, Jr., Notary Public  
Harrisburg, Mercer County  
My Commission Expires Dec. 25, 1999

RECORD AND RETURN TO:

CHARLES P. OBRENSKI, ESQ.  
321 Main St. P.O. Box 547  
Cornwall, New York 12518

00516240 152

SCHEDULE A  
Amended0-10101  
page 1 of 4

ALL that certain plot, piece or parcel of land situate, lying and being in the Town of New Windsor, Orange County, New York, known and designated as Lot No. 3 as shown on a map entitled "Alice M. Pena Final Plan Minor Subdivision," said map having been filed in the Orange County Clerk's Office on 3 April 1992 as Map No. 76-92, being more particularly described as follows:

BEGINNING at a point in the westerly line of South Jackson Avenue, where said line is intersected by the division line between Lot No. 2 and Lot No. 3, as shown on the above referenced map, running thence, the following courses:

1. Along said division line, being along lands now or formerly Litvergren, following a stone wall, S 78°11'55" W 458.00' to a point;
2. Still along same, S 6°28'05" E 133.02' to a stone wall corner;
3. Along lands now or formerly Schaffner, following in part a stone wall, N 76°04'40" W 790.61' to an iron rod found set in a stone wall corner;

- continued -

10015163PG 183

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4. Along lands now or formerly Neuner, following a stone wall, N 12°39'00" W 543.25' to an iron rod found set in a stone wall corner;
5. Still along the same, N 75°31'40" E 388.35' to a fence post found in a stone wall corner;
6. Still along the same, N 8°01'20" W 224.75' to a point;
7. Still along the same, N 6°48'30" W 498.65' to a stone wall corner;
8. Still along the same, S 87°10'00" E 262.65' to a point;
9. Still along the same, N 75°58'29" E 73.35' to a point;
10. Along the division line between Lot No. 1 and Lot No. 3, being along lands now or formerly Toscano, following in part the remains of a post and rail fence, S 15°55'06" E 148.73' to a point;
11. Still along the same, S 27°37'00" E 196.66' to a point;

- continued -

11/12/01 5163PG 184

SEP-12-2001

12:38

DRAKE, SOMMERS, ET. AL.

page 3 of 4

12. Still along the same, S 18°52'10" E 54.08' to a point;
13. Still along the same, N 65°34'20" E 153.72' to a point in the westerly line of South Jackson Avenue;
14. Along said line, S 27°00'43" E 196.53' to a point;
15. Still along said line, S 17°18'35" E 161.03' to a point;
16. Still along said line, S 22°12'23" E 591.54' to a point;
17. Still along said line, S 17°18'35" E 279.42' to a point;
18. Still along said line, S 10°18'28" E 66.06' to the point or place of BEGINNING.

Containing 26.98 acres of land more or less.

Together with an easement for driveway and utility purposes running from South Jackson Avenue through the adjoining Lot No. 1 to the above described premises, being more particularly described as follows:

- continued -

198516380 185



page 4 of 4

BEGINNING at a point in the westerly line of South Jackson Avenue, where said line is intersected by the northerly line of Lot No. 1 as shown on the above referenced map, running thence the following courses:

1. Along the westerly line of South Jackson Avenue, S 35°16'19" E 26.82' to a point;
2. Through Lot No. 1, S 75°58'29" W 78.88' to a point in the division line between Lot No. 1 and Lot No. 3;
3. Along said division line, N 15°55'06" W 25.01' to a point, being the terminus of course #9 of the above described lot;
4. Along the northerly line of Lot No. 1, N 75°58'29" E 69.99' to the point of place of BEGINNING.

IN 5163 186